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describe the characteristic differences between the Figs 3 and 4, "Species B" or disposable thin walled versions of the invention from other standard holder having thicker walls, not requiring reinforcement.

The fifth paragraph under the "*Detailed Description of the Invention*" specification heading distinguishes the embodiment of FIG. 3 as; "the form is readily made from aluminum foil of .005/.007-inch thick sheet". Paragraph 6 under the same heading describes the wall thickness of Fig. 4 to be "less than .040 inch thick".

It is further noted in the fourth paragraph that the FIG. 3 elected Species B embodiment of the invention made from thin material thickness incorporates "structural reinforcement features such as crimped edge bends 22, rolled edges 23, indented surface geometries 24 or raised geometries 25, and raised or indented ribs 26 might be formed for increased rigidity".

Within the fifth and sixth paragraphs under the "*Detailed Description of the Invention*" specification heading; Multiple "Species B" holders can be fabricated or formed together in a single fabrication process.

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**Response to Office Claim Rejections – 35 USC § 112**

In response to the first four rejections of claims 1,2,3,5,8,10, 12-15, 17 and 19 under 35 U.S.C. § 112 second paragraph, as being indefinite to particularly point out and distinctly claim the subject matter which the applicant regards as his invention.

**Office Rejections:**

Regarding claims 1 and 12 the terms "substantially thin" (line 4) and "stable base" (line 6) render the claim indefinite.

Also regarding claims 1 and 12 the phrase "and likewise shaped item" renders the claim(s) indefinite

Lastly, regarding claims 1 and 12 the word "means" is preceded by the word "receptacle"...

**Applicant Response:**

See corrected Claims Listing to omit the indefinite terms and to define the unique thin wall thickness of the holder as well as to restrict the holder for particular use with pita pockets and tacos.

**Office Action Response:**

Regarding Claim 10, it is unclear what the applicant is referring to when references "multiple devices" ....It is also unclear what the applicant is referring to when claiming the devices are made from "multiple sheets of material stacked together and formed in a sequential forming process"....Appropriate clarification is needed.

**Applicant Clarification:**

There are typical manufacturing forming methods that can be used to form a single holder made from a single sheet of material. There are stamping methods and thermal forming methods that begin with a single

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sheet of material and within a specified sequence of forming operations or "sequential forming process": a single holder can be formed.

Applicant is trying to claim that multiple holders can be made at the same time during a standard sequential forming process that normally forms a single sheet. Due to the use of the thin sheet material, multiple sheets of the thin material can be stacked together to generate the thickness of a single standard sheet and the multiple sheets can then be formed into the common shape of the holder. Because the geometry of the holders are stackable, the thin individual holders can then be separated from the group of multiple holders that were formed together.

This forming process is also described in the application specification in the "Detailed Description of the Invention" within the fifth and sixth paragraphs under this heading.

See Claim Listing for a proposed correction to claim 10.

**Office Action Response:**

Regarding Claim 19, it is unclear what "environmental resistance" is and how a holder can have environmental resistance to an oven. Appropriate correction is required.

**Applicant Clarification:**

Environmental resistance was referring to the holder's ability to withstand cooking temperatures and time exposure inside the cooking oven. Many material types and construction methods are not resistant to this harsh environment; they may melt or fall apart.

See Claim Listing for a proposed correction to claim 19.

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### **Response to Office Claim Rejections – 35 USC § 102**

#### **Office Claim Rejections:**

Claims 1, 2, 5 and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Guerrero (US 4,004,501) ....

#### **Applicant Response:**

Guerrero teaches a holder for Tacos, the holder he teaches cannot sufficiently hold pita pockets which have a distinctively different shape from tacos. Pita pockets have a rounded bottom but the radius is formed in a plane opposite that of the radius of the bottom of a taco, and the radius of a pita pocket is much larger than the radius of the bottom of a taco. A holder that can accommodate the bottom of a pita pocket will have central relief for the pita pocket's larger bottom radius, such as an aperture or geometry formed in the same shape as the pita pocket bottom. A holder intended for pita pockets can also accommodate the linear bottom of a taco since the taco's straight bottom will contact the two opposing edges across the centrally relieved space for the pita pockets bottom. Conversely however, a holder having a geometry that matches the linear bottom of a taco cannot sufficiently accommodate the larger radius bottom of the pita pockets, the pita pocket will only be supported by the tangent point of its large bottom radius to the linear bottom of the holder shaped to only support the entire linear bottom of a taco.

Therefore; in regards to the holder taught by Guerrero, pita pockets would not be suitably held in the Guerrero holder that claims; "a linear trough for supporting tacos"...."said linear trough having a rounded bottom to support the normal bending radius of the formed taco shell"....

Guerrero fails to acknowledge the geometry necessary to accommodate both pita pockets and tacos.

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**Response to Office Claim Rejections – 35 USC § 103**

**Office Claim Rejections:**

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Guerrero as applied to claims 1, 2, 5 and 10 above. And further in view of Baze(US 5,628,245). Guerrero fails to disclose the receptacle means comprising a single or plurality of apertures.... Baze teaches a taco holder (figure 1) comprising receptacle means (1,2) within outer surface (3) wherein the receptacle means comprise a plurality of apertures (4).

**Applicant Response:**

The objections to unpatentability over Guerrero are described above. The apertures taught by Baze are for ventilation and uniform heating, they do not provide the functional receptacle geometry of the new invention to support both tacos and pita pockets transverse to the cylinder axis as was previously described above.

Baze fails to acknowledge the geometry necessary to accommodate both pita pockets and tacos, and the apertures fail to provide the function of a receptacle.

**Office Claim Rejection:**

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Guerrero as applied to claims 1, 2, 5 and 10 above, and further in view of Giffert et al. (US 6 302,671). Guerrero fails to disclose stiffening means. Giffert discloses an item holder stiffening means (34).

**Application response:**

The objections to unpatentability over Guerrero are described above. Giffert et al. teaches a holder for roll support of web material having a different geometry from pita pockets and tacos.

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In view of elected species B, Fig. 3 and 4, and proposed changes to claim 1, Giffert fails to teach stiffening means in thin walled sections less than .040 inches thick, Giffert teaches, "preferably a vacuum is drawn on the submerged foraminous mold (see Fig.10 and 11) so that the molded pulp structure 110 typically has a thickness of 1/4 to 5/16 of an inch."

**Office Action Rejection:**

Claims 12-15, 17 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Guerrero and Giffert et al. In light of the rejections above.

**Application Response:**

The objections to unpatentability over both Guerrero and Giffert are described above. Both Guerrero and Giffert fail to acknowledge support means for both pita pockets and tacos. In view of elected species B Fig. 3 and 4, and proposed changes to claim 1, Giffert fails to teach stiffening means in thin walled sections less than .040 inches thick, Giffert teaches, "preferably a vacuum is drawn on the submerged foraminous mold (see Fig.10 and 11) so that the molded pulp structure 110 typically has a thickness of 1/4 to 5/16 of an inch."

**Additional Applicant Clarification:**

A note of clarification to the office action's interpretation of the applicant's new holder geometry and orientation of the receptacle portion for the pita pockets, tacos and items within the holder as described in claims 1 and 12. The examiners interpretation on page 6 in the Office Action Summary in the fifth paragraph incorrectly correlates the "(bottom of troughs 2)" with the outer curvilinear surface about an axis.

**Office Prior Art cited but not relied upon:**

Fleisher (US-D370,596)

Knitter (US-4,936,453)

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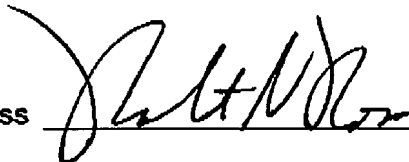
**Applicant Response:**

Note the claimed geometry of the new holder is unique to supporting both pita pockets and tacos, for forming multiple holders, and for stacking the geometry, Fleisher (US-D370,596) includes a base that covers the open expanse required for stackable geometry and forming multiple holders. Stiffening means are accomplished by the base. Knitter patent does not teach holding pita pockets and tacos as claims 1 and 12 have been amended.

**Conclusion**

The applicant requests re-evaluation of rejected claims as amended or as demonstrated to be patentable over applied references.

Applicant: Robert N. Ross



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